

AMENDED IN SENATE MAY 13, 2003

AMENDED IN ASSEMBLY MARCH 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 97**

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**Introduced by Assembly Members Nation, Parra, and Wyland  
(Coauthors: Assembly Members ~~Berg and Plescia~~, Benoit, Berg,  
and Plescia)**

January 8, 2003

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An act to amend Section 48209.16 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 97, as amended, Nation. Schools: *pupil attendance alternatives*.

~~(1) Existing~~

*Existing* law authorizes the governing board of any school district to admit pupils residing in another school district to attend any school in that district. Existing law authorizes school districts of residence to limit the number of pupils newly transferring out each year based upon the district's average daily attendance. Existing law credits the school district of choice, as to pupils admitted to the school district under this authority, with a corresponding increase in average daily attendance for state apportionment purposes. Existing law prohibits the school district of residence from adopting policies that block or discourage pupils from applying for a transfer. Existing law provides that the governing board of a school district may, but is not required to, accept interdistrict

transfers, and authorizes a governing board that elects to accept transfers to adopt a resolution to ensure that pupils admitted under the policy are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Existing law provides that either the pupil's school district of residence, upon notification of the pupil's acceptance to the school district of choice, or the school district of choice may prohibit the transfer of a pupil or limit the number of pupils so transferred if the governing board of the district determines that the transfer would negatively impact the court-ordered desegregation plan of the district or the voluntary desegregation plan of the district that meets certain criteria or the racial and ethnic balance of the district. Existing law sets forth the procedures for transfer, including the date by which the governing board of the school district of choice must make a final acceptance or rejection of the transfer application and the requirement that the governing board, in case of a rejection, ensure that the determination and specific reasons are accurately recorded in the minutes of the board meeting at which the determination was made.

Under existing law, those provisions become inoperative on July 1, 2003, and are repealed as of January 1, 2004.

This bill would instead make those provisions inoperative on July 1, 2008, and would repeal them as of January 1, 2009. ~~By extending the transfer application duties of the governing board of the school district of choice under these provisions, this bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~(3) This~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

SECTION 1. Section 48209.16 of the Education Code is amended to read:

48209.16. This article shall become inoperative on July 1, 2008, and, as of January 1, 2009, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

~~SEC. 3.—~~

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure at the earliest possible time that the efficient operation of public schools *through pupil attendance alternatives* is not diminished, it is necessary that this act take effect immediately.